



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



Robert and Mary-Jo Brady
86 Lucerne Ave
Laconia, NH 03246

LETTER OF DEFICIENCY

#SP-2001-24
August 28, 2001

Dear Mr. and Mrs. Brady:

On August 17, 2001, personnel from the Department of Environmental Services, Water Division ("DES") conducted a site inspection of your property identified as Laconia Tax Map 154, Lot# 3, Lucerne Ave., Lake Winnepesaukee, Laconia, New Hampshire. The purpose of this site inspection was to determine compliance with RSA 483-B; the Comprehensive Shoreland Protection Act ("CSPA"). During the inspection the following deficiency was noted:

Within the natural woodland buffer of the protected shoreline, a well-distributed stand of trees, saplings, shrubs and groundcovers was not left in place.

You indicated to the DES inspectors onsite that you are intend to construct a garage that will extend approximately 45 feet from the southwestern side of your house. The CSPA allows for a "building envelope" which extends 25 feet from the footprint of the new construction; within this area, trees and other vegetation may be removed to facilitate construction.

During the inspection, a total of 11 trees were determined to have been cut in excess of the allowable limit. Also, an area within 50 feet of the reference line of Lake Winnepesaukee, saplings, shrubs, and groundcovers had been cut to ground level. In the future, shrubs and groundcover within this area should be maintained at a minimum height of 3 feet. Saplings should be allowed to re-establish at spacing of approximately 15 feet apart.

A report outlining how compliance will be achieved with the above cited deficiency should be submitted to DES within 30 calendar days from receipt of this letter. This report should include a to-scale revegetation plan with a key explaining species, number, diameter and height of proposed plantings, as well as a timetable for when the planting will be completed. Saplings should be 1-2 inches in diameter, 4-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species.

Issuance of this letter shall not preclude further enforcement action by DES. Failure to comply with RSA 483-B will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it could be recorded with the Registry of Deeds as an encumbrance against your property. In addition, DES personnel may conduct another inspection at a later date to determine whether you have come into, and are maintaining, full compliance with the applicable statute.


Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, Shoreland Code of Administrative Rules Env-Ws 1400, a guide to restoration of shoreland property, and proper installation and maintenance of erosion control measures.

The written report identifying corrective measures to be taken should be addressed as follows:

Allyson Gourley
Shoreland Compliance Coordinator
NHDES
6 Hazen Drive, PO Box 95
Concord, NH 03302-0095

If you have any questions please contact Allyson Gourley at (603) 271-6876.

Sincerely,


COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL

Enclosures

cc: Gretchen C. Rule, Enforcement Coordinator-DES ✓
Russell A. Nylander, P.E., Chief Engineer-WD/DES
Shoreland Program-NHDES
Laconia Conservation Commission
Laconia Board of Selectmen
Laconia Building Department